

REMARKS

Claims 2-7, 9-15, 17-24, 26-29, 32-39, 42, 44, and 45 are pending. Claim 41 has been cancelled, claims 2, 3, 5-7, 9, 10, 17, 18, 20, 21-23, 26, 28, 29, 32, 37, 38, 42, 44, and 45 have been amended, and new claims 46-51 have been added by this response. Reconsideration and allowance of Applicant's claims are respectfully requested.

A number of minor amendments were made to the claims to clarify the language of the claims in view of the previous amendments. For example, claims 2, 3, 5, 6, 18, 20, 22, 23, and 26 were amended to move elements previously recited in the wherein clauses to be positively recited in the main body of the claims. In addition, claims 2, 5, 6, 17, 22, and 23 were amended to recite that certain determined areas were accounted for in the determination of the estimate rather than subtracted. New claims 47-51 further specify that in accounting for the determined areas "subtracting" is used. Claim 21 was amended to clarify antecedent basis by deleting "the step of" and adding "the" before "customer address." Claims 26, 29, 32, and 37 were amended to delete the language "based on" to clarify the language of the claim; this language was inadvertently left in the claim by the amendment of February 26, 2004 and should have been deleted when the language "using" was added to these claims. Claims 37 and 38 were amended to clarify and positively recite the elements of the server. Claim 42 was amended to change its dependency to claim 29 in view of claim 41 being cancelled. Claim 45 was amended to clarify that claim 45 was a method depending from method claim 44 (and not a system). New claim 46 was added to recite a software claim similar to the method recited claim 18.

Claims 2-7, 9-15, 44, and 45 were rejected under 35 U.S.C. § 101 as allegedly being directed to non-patentable subject matter. Applicant respectfully submits that this rejection has been rendered moot in light of the amendment to claims 2, 3, 5-7, 9, 10, and 44 as proposed by Examiner Winter in a telephone interview in October to clarify the rejection of these claims as made in the Office Action of October 15, 2004. In particular, the claims have been amended to specifically recite that the processing of the determined area to generate an estimate is performed by “a processor,” and, therefore, the claimed invention is “within the technical arts.” As a result, it is respectfully requested that the rejection of claims 2-7, 9-15, 44, and 45 as non-statutory be reconsidered and withdrawn.

It is respectfully submitted that all claims are in condition for allowance, and early notice of the same is respectfully solicited. If any questions remain, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.